

**CITY OF NEW ROCHELLE
NEW YORK**

INTERDEPARTMENTAL COMMUNICATION

Capt. [Signature] 10/5/05

TO: Police Officer Araz Alali
FROM: Sergeant Austin
DATE: 29 September 2005
SUBJECT: Letter of counsel

The Purpose of this communication is to counsel you regarding your current work performance, and the department's expectations of your future work performance.

Current work performance

In your current assignment to second tour Patrol your main functions are to perform any assignment or detail you are assigned in the course of your duty in a manner appropriate with Departmental guidelines and practice.

To date in 2005 you have issued 358 moving violations, 321 parking violations and 3 city code summonses. You have had 37 arrests until 15 August 2005.

5 sick days have been used.

You are a highly active and productive officer which is supported by the statistics. You initiate calls for service when needed. In most areas of enforcement you are well above the average for second tour. With your productivity and arrests statistics you could be considered for specialized units.

Issues

In your time in New Rochelle you have had several citizen complaints and several Department initiated complaints. Also several Supervisors have had meetings with you to discuss department policy and expectations. Due to these issues I have been assigned to ride with you in various capacities and observe you handling of incidents and your interactions with the public.

From these reports and my observations during this time the following issues should be addressed.

On Traffic stops you frequently fail to call out car stops prior to making contact with the operator. I have also observed you not adhering to Department Guidelines on use of Verbal Judo when addressing the operator.

On several occasions you required forms or summons that you did not have with you. Other units responded with needed materials such as accident reports or city code summonsed.

Your productivity regarding UTT's and parking violations is above average. However you have issued only 3 City Code summonses for the year.

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In situations where your authority is challenged or the subject is disrespectful it has been observed that you get upset at the challenge and will continue an argument when it is not called for. This only serves to escalate the situation instead of diffusing it as is your responsibility. This is possibly the source of some complaints you have had.

While you actively patrol your areas of assignment your focus is on the primary roads in that area. Your priority seems to be mainly looking for vehicle violations. While this is an important component of patrol there are other needs the Department requires. You are to give due attention to all areas including side roads. Your patrol is also intended for you to be familiar with the people in the areas you are assigned and their concerns for the area such as quality of life issues and desire for a Police presence even if no active enforcement is needed or desirable. Frequent traffic stops are a way to encourage compliance with traffic laws, Discretion can and should be used on stops and other interactions with minor offenses. Often times other considerations need to be taken into account such as the benefit of the enforcement, manpower requirements, other incidents needing attention as well as whether the enforcement can be followed up at a later time without detriment to the community.

You had several Traffic stops where arrests were made due to either drugs or weapons found in plain view. Concerns were raised as to the blatant nature of the observed items and the short time frame these occurred in. These stops occurred prior to my assignment with you and were discussed previously. All Laws and Department policies regarding search and seizure should be followed.

While riding with you I have observed you become aggravated with Department policies you do not agree with or feel are handled better by other departments. Also in the past you have received department discipline after being advised of Department rules you were violating and you did not correct the condition. New Rochelle has its guidelines and is not required to follow other departments. Difference of opinion is understood, but you are required to follow New Rochelle Policy and Procedure. Proper channels are available to register disagreement with those guidelines.

Expected Work Performance

Your work performance in some areas is above average levels. What is required is to follow Department guidelines regardless if you feel them necessary or if the purpose behind them is clear. You are expected to continue to properly enforce violations and other required police actions. You are also expected to be a more rounded officer addressing other needs of the community other than just enforcement.

The following are areas you need to ensure you are familiar with and comply with department expectations;

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- 1-Traffic stops are to follow Department Rule regarding calling out stops, use of verbal judo, and other procedures. R&R Ch1, Sub 1.13, MOP Ch 2, Art 2.03
- 2-Required equipment will be carried, for example, all necessary summonses, required uniform equipment and reports and forms needed for patrol. Ensuring vehicle is properly stocked. R&R Ch 9, Sub 9.47. R&R Ch 8, Sub 8.4
- 3-Patrol and be familiar with all streets of assigned areas as well as primary roads. R&R Ch 1, Sub 1.7
- 4- Use discretion in dealing with the public when issuing summonses or making a arrest. R&R Ch 2, Sub 2.4, MOP Ch 1, Art 1.01
- 5- Maintain composure in situations where your authority is challenged or discourteous is directed at you but no other reason for action is present. Use Verbal Judo as per MOP Ch5, Art 5.31, R&R Ch 2,2.4
- 6- Enforce violations of the City Code when appropriate. R&R Ch1, Sub 1.2. MOP Ch 5, Art 5.26
- 7- Follow search and seizure laws and Department policy regarding same. MOP Ch 1, Art 1.01, MOP Ch 3, Art 3.06
- 8- Follow proper use of 10 codes including calling out on scene and calling clear from scene. R&R Ch1, Sub 1.10, MOP Ch 7, Art 7.01,
- 9- Obey and comply with any lawful order given by a superior officer. R&R Ch 2, Sub 2.39

These have been discussed previously and are listed in MOP/R&R. You should be familiar with all Department policies and procedures and should follow same. Failure to follow department guidelines would lead me to conclude that you are "unwilling" to conform to work standards established for your position in violation of R&R Ch 1, Sub 1.2.

I have read and understand the above communication:..

Police Officer Araz Alali

however I do not agree with the finding

Witnesses:

Sgt. Edward Austin

Sgt E Austin

Lt. William Schulman

W Schulman